

Notice of Allowability

Application No.

09/814,241

Examiner

Sanh D. Phu

Applicant(s)

MIYAMOTO ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 6/29/2007.
2. ☒ The allowed claim(s) is/are 28-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 6/29/07.

Accordingly, claims 1-31 are currently pending, of which non-elected claims 1-27 are withdrawn from consideration.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

-Claims 1-27 are canceled.

3. This application is in condition for allowance except for the presence of claims 1-27 directed to claims non-elected without traverse. Accordingly, claims 1-27 have been cancelled.

REASONS FOR ALLOWANCE

4. Claims 28-31 are allowed.

5. The following is an examiner's statement of reasons for allowance:

–Regarding independent claim 28, none of prior art of record teaches or suggests a mobile communication system comprising channel controlling means for gradually updating transmitting power of a downstream communication channel of a mobile station that is to be set to a second radio base station, said transmitting power updated from an initial value to a greater value during a hand-off process where said mobile station communicates with a first radio base station or said second radio base station, wherein the updating is occurred before transmitting power control is executed in accordance with a signal received from the mobile station.

–Regarding independent claim 29, none of prior art of record teaches or suggests a mobile communication system comprising: notifying means for notifying start of transmission of a downstream communication information to a mobile station through a first radio base station when a second radio base station is selected as a radio base station forming a new visit-zone of said mobile station and the transmission of the downstream communication

Art Unit: 2618

information starts; receiving means for receiving a response transmitted from said mobile station in, response to said notice; and channel controlling means for judging whether or not to increase transmitting power of said downstream communication information according to said response received by said receiving means and updating said transmitting power to a high value within a predetermined level when the judgment result is true.

-Regarding independent claim 30, none of prior art of record teaches or suggests a channel controlling means for: obtaining a difference of propagation loss between a signal received by a radio base station forming a former visit-zone and a signal received by a radio base station forming a new visit-zone according to a state notice at the time of hand-off; setting an initial value of transmitting power of a downstream communication information to be transmitted by said radio base station forming said new visit-zone according to said difference and a value of transmitting power of said downstream communication information transmitted by said radio base station forming said

former visit-zone; and gradually updating said transmitting power to a greater value.

—Regarding independent claim 31, none of prior art of record teaches or suggests a mobile communication system comprising: radio base stations for executing transmitting power control of a downstream communication information to be transmitted to a mobile station and receiving a state notice information, which indicates receiving conditions measured by the mobile station with respect to signals transmitted from a local base station, and a peripheral base station, from said mobile station; and channel controlling means for obtaining a propagation loss of a transmission channel between said mobile station and a radio base station forming a new visit-zone according to said state notice information at the time of hand-off and setting an initial value of transmitting power at which said radio base station executes transmission to said mobile station with taking said propagation loss into account.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Fr from 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D Phu
Primary Examiner
Art Unit 2618

SP

8/20/07

